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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/251,133 05/31/94 INGA

DAVID A. KIEWIT  
2420 SENECA COURT  
PALM HARBOR, FL 34683-2829

26M2/0923

EXAMINER
ROGERS, S

ART UNIT	PAPER NUMBER
2612	3

DATE MAILED: 09/23/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.        |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-21 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1, 6, 13, 18 are rejected.
5. ☒ Claims 2-5, 7-12, 14-17, 19-21 are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

**DOUBLE PATENTING REJECTION**

Claims 1, 6, 13, and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-22 of copending application Serial No. 08/206,525. Although the conflicting claims are not identical, they are not patentably distinct from each other because the cited claims in this application are merely broader in scope. The only difference is the absence of details regarding a hexagonal pattern classification algorithm.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

**CLAIMS UNDER OBJECTION**

Claims 2-5, 7-12, 14-17, and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**REASONS FOR ALLOWABILITY**

The following is an Examiner's Statement of Reasons for Allowance: The prior art of record neither anticipates nor suggests reconstructing a displayable representation of a diagnostic image having progressively increasing resolution from additional portions of a patterned representation of a digitized image corresponding to the diagnostic image in the claimed combinations.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**PRIOR ART**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mukai and Komatsu et al disclose a method and system for managing the storage and retrieval of medical images.

Johnson, Crayson, and Rutledge disclose compressing, transmitting, and reconstructing image data using pattern representations or corresponding codes thereof to improve image transmission and processing efficiency.

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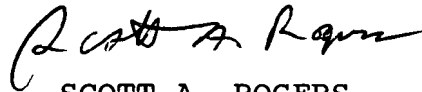
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Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Rogers** whose telephone number is **(703) 305-4726**.

Any facsimile communication should identify the application serial number, the examiner's name and art unit, and should be sent to Group 260 whose facsimile number is **(703) 305-9508**.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is **(703) 305-4700**.



SCOTT A. ROGERS  
PATENT EXAMINER  
ART UNIT 2612

September 14, 1994